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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

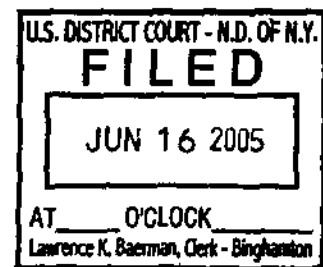
**UNITED STATES OF AMERICA**

**V.**

**INDICTMENT  
3:05-CR-270  
[TJM]**

**DAVID FALSO,**

**DEFENDANT.**



**THE GRAND JURY CHARGES THAT:**

**COUNT 1**

**[TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT WITH  
MINORS]**

Between in and about May of 2003 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein who is a United States citizen, did travel in foreign commerce for the purpose of engaging in illicit sexual conduct with female minors under eighteen (18) years of age.

All in violation of Title 18, United States Code, section 2423(b) & (f).

**COUNT 2**

**[TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT WITH  
MINORS]**

Between in and about July of 2000 and continuing up until in and about April of 2003, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein who is a United States citizen, did travel in foreign commerce for the purpose of engaging in sexual acts

with female minors under eighteen (18) years of age.

All in violation of Title 18, United States Code, sections 2423(b) and 2246.

**COUNTS 3 - 10**  
**[PRODUCTION OF CHILD PORNOGRAPHY]**

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, did knowingly and willfully employ, use, persuade, induce and entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and defendant knew and had reason to know that such visual depiction will be transported in interstate and foreign commerce, and such visual depiction has actually been transported in interstate and foreign commerce, in that, during said time period, the defendant caused the photographing of minor females in sexually explicit conduct with a camera, and defendant then caused such images to be transported in interstate and foreign commerce, and each such image is a separate count of this Indictment:

<u>COUNT</u>	<u>IMAGE.</u>
3	Production Image 1
4	Production Image 2
5	Production Image 3
6	Production Image 4
7	Production Image 5
8	Production Image 6
9	Production Image 7
10	Production Image 8

All in violation of Title 18, United States Code, Section 2251(a).

Defendant committed the above offenses after he had a prior final conviction under the laws of a state for offenses relating to the sexual exploitation of children and which conviction affects the penalty provisions of Title 18, United States Code, section 2251.

**COUNTS 11 - 233**  
**[RECEIVING CHILD PORNOGRAPHY VIA THE INTERNET]**

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, knowingly received child pornography and material containing child pornography that had been mailed, transported and shipped in interstate and foreign commerce by any means, including a computer, in that, defendant received via the internet the following listed computer images knowing that the images contained a visual depiction and material containing a visual depiction the production of which involved the use of minors engaged in sexually explicit conduct, as defined in Title 18, U.S.C., section 2256, and each such image is a separate Count of this

Indictment:

<u>COUNT</u>	<u>IMAGE.</u>
11	v0524.jpg
12	h0194.jpg
13	h0186.jpg
14	h0211.jpg
15	h0541.jpg
16	h0689.jpg
17	h0730.jpg
18	h0396.jpg
19	h0663.jpg
20	h0366.jpg
21	h0633.jpg
22	h0388.jpg

23	h0381.jpg
24	v0350.jpg
25	v0413.jpg
26	v0270.jpg
27	v0277.jpg
28	h0528.jpg
29	h0507.jpg
30	h0514.jpg
31	h0695.jpg
32	temp/derbinOn/page1of2
33	temp/derbinOn/page2of2
34	temp/derbinOn/next.htmlpage1of2
35	h0096.jpg
36	h0107.jpg
37	h0394.jpg
38	h0246.jpg
39	fd/main/.jpg
40	h0658.jpg
41	h0242.jpg
42	h0508.jpg
43	h0231.jpg
44	h0492.jpg
45	h0098.jpg
46	h0209.jpg
47	xhotpix.com/page1of9
48	saratoga.e-pid.org/prev.htmppage1of2
49	saratoga.e-pid.org/prev.htmppage2of2
50	h0706.jpg
51	h0707.jpg
52	h0718.jpg
53	h0710.jpg
54	h0716.jpg
55	h0605.jpg
56	h0645.jpg
57	v0655.jpg
58	h0463.jpg
59	h0467.jpg
60	h0483.jpg
61	h0254.jpg
62	h0269.jpg
63	h0293.jpg
64	lily.wamurl.com/pre3.html
65	12fox.com/vf/indexs.htmlpage1of5

66	12fox.com/vf/indexs.htmlpage2of5
67	12fox.com/vf/indexg.htmlpage2of7
68	12fox.com/vf/indexg.htmlpage3of7
69	12fox.com/vf/indexg.htmlpage4of7
70	12fox.com/vf/indexg.htmlpage5of7
71	fortarx.com/site/tour.htmlpage1of2
72	AS_107.JPG
73	gonggi/ub0552413245224005562
74	jk_003.jpg
75	cas-2-22.jpg
76	aa067.jpg
77	CA7MIQU2.jpg
78	004.jpg
79	10asfck1.jpg
80	10assfck.jpg
81	hard0508/31.jpg
82	lcs18-14.jpg
83	image24.htm
84	aa015.JPG
85	AT_193.JPG
86	AT_407.JPG
87	AT_153.JPG
88	AT_195.JPG
89	43-18.jpg
90	siris6.jpg
91	siris6c.jpg
92	siris5.jpg
93	B21.JPG
94	11-n3f12.jpg
95	aal_h063.jpg
96	as_213.jpg
97	as_340.jpg
98	as_214.jpg
99	AT_278.JPG
100	VEN07.JPG
101	VEN10.JPG
102	VEN05.JPG
103	as033.jpg
104	koro12.jpg
105	14.jpg
106	olya0091.jpg
107	olya0101.jpg
108	as_255.jpg

109	as_183.jpg
110	43-06.jpg
111	AT_155.JPG
112	B29.JPG
113	lcs18-11.jpg
114	ADINA-23.JPG
115	LL-N4-17.JPG
116	LL-N4-21.JPG
117	LL-N4-18.JPG
118	ll-n4-24.jpg
119	TOTRP9.JPG
120	hel-lo46.jpg
121	!!!!!!ys.jpg
122	06FUC.JPG
123	image2.html
124	B01.JPG
125	0679.jpg
126	0674.jpg
127	kp006701.jpg
128	kp006700.jpg
129	image1.htm
130	aa037.jpg
131	preteen/3.jpg
132	preteen/11.jpg
133	hl-51-027_jpg.htm
134	cindy08.jpg
135	fake_794.jpg
136	43-04a.jpg
137	ll-43-02.jpg
138	43_01b.jpg
139	ll-43-03.jpg
140	unknown-1798.jpg
141	hard0508/21.jpg
142	kp010801.jpg
143	preteen/1.jpg
144	h0234.jpg
145	0663.jpg
146	AT_190.JPG
147	AT_148.JPG
148	AT_081.JPG
149	AT_039.JPG
150	AT_044.JPG
151	kp000719.jpg

152	LL-P1-27.JPG
153	ch5.jpg
154	8796.jpg
155	011v.jpg
156	Im000104.jpg
157	a699978.jpg
158	10blow.jpg
159	behind2.jpg
160	ga-01.jpg
161	etnymph022001s
162	image18.htm
163	id=4&unixtime=...
164	etnymph110.JPG
165	sveta003.jpg
166	mclt0224.jpg
167	hel-lo13.jpg
168	h0425.jpg
169	phot0002.jpg
170	index2.html
171	aal_h057.jpg
172	AT_082.JPG
173	aa016.JPG
174	preview2.html
175	index2.html
176	12.jpg
177	as_237.jpg
178	AT_156.JPG
179	1133.jpg
180	LL-N4-16.JPG
181	AS_035.JPG
182	08~mist067.jpg
183	cath23.jpg
184	05B.JPG
185	aa008.jpg
186	43-12.jpg
187	vb77.jpg
188	AT_150.JPG
189	preview3.html
190	ccpp7asd/index.html
191	image3.htm
192	image27.htm
193	AT_385.JPG
194	AT_085.JPG

195	a699980.jpg
196	08~mist096.jpg
197	AT_175.JPG
198	AT_171.JPG
199	ll-el-08.jpg
200	AT_163.JPG
201	kp009011.jpg
202	hel-lo09.jpg
203	bangko03.jpg
204	athome01.jpg
205	B02.JPG
206	DCS00006.JPG
207	image3.html
208	as_308.jpg
209	hel-cum05.jpg
210	ADINA-25.JPG
211	cath11.jpg
212	kp000101.jpg
213	as_193.jpg
214	image1.html
215	image18.html
216	43-22a.jpg
217	hel-cum04.jpg
218	lcs18-18.jpg
219	Tour.html
220	HEA_010.JPG
221	preteen/13.jpg
222	kp000102.jpg
223	Copy%20of%20xx9.jpg
224	HEA_017.JPG
225	gal-10.jpg
226	014.JPG
227	_10ondad_.jpg
228	hel-lo09.jpg
229	5yearsol_3.jpg
230	lcs18-05.jpg
231	siris2f.jpg
232	betty-13.jpg
233	NATASH19.JPG

All in violation of Title 18, United States Code, Sections 2252A (a)(2)(A)&(B) and 2256.

Defendant committed the above offenses after he had a prior final conviction under the



laws of a state for offenses relating to sexual abuse and abusive sexual conduct involving a minor and which conviction affects the penalty provisions of Title 18, United States Code, section 2252A(b)(1).

**COUNTS 234 - 241**  
**[TRANSPORTING AND SHIPPING CHILD PORNOGRAPHY]**

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, knowingly transported and shipped in interstate and foreign commerce by any means child pornography, in that, defendant transported and shipped in interstate and foreign commerce the following listed images/pictures knowing that the images/pictures contained a visual depiction and material containing a visual depiction the production of which involved the use of minors engaged in sexually explicit conduct, as defined in Title 18, U.S.C., section 2256, and each such image/picture is a separate Count of this Indictment:

<u>COUNT</u>	<u>IMAGE.</u>
234	Production Image 1
235	Production Image 2
236	Production Image 3
237	Production Image 4
238	Production Image 5
239	Production Image 6
240	Production Image 7
241	Production Image 8

All in violation of Title 18, United States Code, Sections 2252A (a)(1) and 2256.

Defendant committed the above offenses after he had a prior final conviction under the

laws of a state for offenses relating to sexual abuse and abusive sexual conduct involving a minor and which conviction affects the penalty provisions of Title 18, United States Code, section 2252A(b)(1).

**COUNT 242**  
**[POSSESSION OF CHILD PORNOGRAPHY]**

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, did knowingly and willfully possess material which contains images of child pornography that have been mailed, shipped and transported in interstate and foreign commerce by any means, and which were produced using materials which have been so mailed, shipped and transported in interstate and foreign commerce by any means, in that, defendant knowingly possessed computers, computer hard drives, CD/DVD disks, paper, photographs, negatives and other materials containing numerous graphic images of child pornography, knowing that the images contained a visual depiction and material containing a visual depiction, the production of which involved the use of minors engaged in sexually explicit conduct as defined in Title 18, U.S.C., section 2256.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

Defendant committed the above offense after he had a prior final conviction under the laws of a state for offenses relating to sexual abuse and abusive sexual conduct involving a minor and which conviction affects the penalty provisions of Title 18, United States Code, section 2252A(b)(2).

**FORFEITURE ALLEGATION RELATING TO COUNTS 1 - 242**

Upon conviction of one or more of the offenses, alleged in Counts 1 through 242 of this Indictment, defendant **DAVID FALSO** shall forfeit to the United States pursuant to 18 U.S.C. § 2253, all visual depictions which were produced, transported, mailed, shipped or received in violation of the law; all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and all property, real and personal, used or intended to be used to commit or to promote the commission of the offense(s), including but not limited to the following:

1. **REAL PROPERTY**

All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 20 Peaceful Drive, Cortland, New York, as more particularly described in a Deed dated October 15, 1984 and recorded in the Cortland County Clerk's Office in Book 401 at Page 212, as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with buildings and improvements thereon erected, situate, lying and being in the City of Cortland, County of Cortland and State of New York, bounded and described as follows: Beginning at a point in the center of Peaceful Drive which is 214 feet measured S 07° 50' W. of the intersection of the center line of Peaceful Drive and the center line of Oaklin Drive; running thence N. 82° 10' W. a distance of 125 feet to a point marked by a set pin; running thence S. 07° 50' W. a distance of 62 feet to a point marked by a set pin; running thence S. 82° 10' E. and passing through an existing pin in the west curb line of Peaceful Drive a distance of 125 feet to a point on the centerline of Peaceful Drive; running thence N. 07° 50' E. along the center line of Peaceful Drive a distance of 62 feet to the place of beginning.

That portion of the above described premises lying within the bounds of Peaceful Drive is conveyed subject to the rights of the public to use the same for street and highway purposes.

The foregoing description is made according to a survey made by J. Frederick Brady, L.S. 19665 on September 30, 1975.

This conveyance is made subject to all of the covenants, restrictions and provisions set forth in the deed of Walter C. Goff and Anna M. Goff to Donald L. and Yvonne G. Parker dated April 10, 1959.

Being the same premises conveyed by Deborah Lee Falso to David J. Falso by Deed dated the 15th day of October, 1984 and recorded in the Cortland County Clerk's Office on the 16th day of October, 1984 in Book 401 of Deeds at page 212.

2. **PERSONAL PROPERTY**

- a. A computer, no brand name, no serial numbers noted. Sticker on

back notes "QC Passed" with a line through 2003 and 4. A silver mini tower, with trays labeled DVD-ROM and CD-Writer. Computer also has a 3.5 disk drive. Silver on/off button. Computer face is silver with black trim. There is a windows logo sticker on the upper right front of face that says "Designed for Microsoft Winodw XP";

- b. Four (4) DVD+Rs labeled #1, #2, #3 and #4 respectively;
- c. Video tape labeled "Mademoiselle Striptease";
- d. Tcon DVD labeled "Sideways".

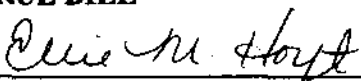
If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 2253(o), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.


**A TRUE BILL**

Dated: June 16, 2005  
Binghamton, New York

  
**FOREPERSON OF THE GRAND JURY**

GLENN T. SUDDABY  
UNITED STATES ATTORNEY

Dated: June 16, 2005

  
By: Miroslav Lovric  
Assistant U.S. Attorney